

1 SUE FAHAMI
 2 Acting United States Attorney
 3 District of Nevada
 4 Nevada Bar No. 5634
 5 R. THOMAS COLONNA
 6 Assistant United States Attorney
 7 501 Las Vegas Blvd. So., Suite 1100
 8 Las Vegas, Nevada 89101
 9 (702) 388-6336
 10 Email: richard.colonna@usdoj.gov
 11 *Attorneys for the United States*

12 **UNITED STATES DISTRICT COURT
 13 DISTRICT OF NEVADA**

14 JAMES CONGER, individually,

15 Plaintiff,

16 v.

17 UNITED STATES OF AMERICA,

18 Defendant.

19 Case No. 2:24-cv-00293-RFB-MDC

20 **Stipulation and Order to Extend
 21 Discovery Deadlines**

22 **(Third Request)**

23 Pursuant to LR IA 6-1 and LR 26-3, the parties request a thirty (30) day extension of
 24 discovery deadlines, which is supported by grounds and circumstances set forth below. This
 25 stipulation is filed at least 21 days before the earliest deadline to be extended (for discovery
 26 cutoff). This is the third request for an extension of the discovery schedule.

27 **DISCOVERY COMPLETED**

28 The parties have completed the following discovery:

1. Defendant made its initial disclosures on June 12, 2024.

2. Plaintiff made his initial disclosures on June 20, 2024.

3. Defendant served its first set of requests for production and first set of
 24 interrogatories on Plaintiff on July 10, 2024.

4. Plaintiff served his responses to Defendant's first set of requests for production
 26 and first set of interrogatories on July 19, 2024.

5. Defendant took the deposition of Plaintiff on July 19, 2024.

6. Defendant requested HIPAA authorizations from Plaintiff on July 18, 2024

1 and received the signed authorizations on August 14, 2024.

2 7. Plaintiff served his first sets of interrogatories, requests for production and
3 requests for admission to Defendant on August 26, 2024.

4 8. Defendant took the deposition of Plaintiff's wife on September 25, 2024.

5 9. Defendant served its first supplement to initial disclosures on September 23,
6 2024.

7 10. Defendant served its responses to Plaintiff's first sets of interrogatories,
8 requests for production and requests for admission on September 23, 2024.

9 11.

10 12. Defendant took the deposition of Plaintiff's brother on October 15, 2024.

11 13. Plaintiff served his first supplement to initial disclosures on October 15, 2024.

12 14. Defendant served its second supplement to initial disclosures on October 16,
13 2024.

14 15. Defendant took the deposition of Plaintiff's father-in-law on October 29, 2024.

15 16. Defendant took the deposition of Plaintiff's treating physician, Dr. Gobinder
16 Chopra, on November 4, 2024.

17 17. Defendant served its third supplement to initial disclosures on November 13,
18 2024.

19 18. Defendant served its supplemental responses to Plaintiff's first sets of
20 interrogatories and requests for production on November 13, 2024.

21 19. Defendant took the depositions of Plaintiff's parents on December 5, 2024.

22 20. Defendant took the deposition of Plaintiff's mother-in-law on December 9,
23 2024.

24 21. Defendant took the depositions of Plaintiff's treating physicians, Dr. Nick Liu
25 and PA-C Megan Bichsel on December 12, 2024.

26 22. Plaintiff served his initial expert disclosures on December 20, 2024.

27 23. Defendant served its initial expert disclosures on December 20, 2024.

28 24. Defendant served its fourth supplement to initial disclosures on December 30,

1 2024.

2 25. Plaintiff served his first supplement to initial expert disclosures and his rebuttal
3 expert disclosures on January 21, 2025.

4 26. Defendant served its rebuttal expert disclosures on January 21, 2025.

5 27. Defendant scheduled the deposition of Plaintiff's ER doctor, Dr. Nicolas
6 Caruso, on January 31, 2025.

7 28. Plaintiff scheduled the deposition of Defendant's expert, Dr. Adam
8 Lorenzetti, on January 29, 2025.

9 29. Plaintiff scheduled the deposition of Defendant's expert, Dr. Richard
10 Rubenstein, on January 30, 2025.

11 30. Defendant scheduled the deposition of Plaintiff's expert, Dr. Jeffrey Kutcher,
12 on February 26, 2025.

13 **DISCOVERY REMAINING**

14 Defendant will need to take the deposition of Plaintiff's expert, Dr. Jeffrey Kutcher.
15 Dr. Kutcher's clinic is in Park City, Utah, however, he will be in Las Vegas on February
16 26, 2025, which would allow Defendant to take his deposition in person.

17 The parties reserve the right to engage in any other discovery permitted by
18 applicable rules and within the revised discovery deadlines if the court approves this
19 stipulation.

20 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

21 Defendant respectfully requests an extension of the remaining discovery deadlines
22 to be able to take the deposition of Plaintiff's expert, Dr. Jeffrey Kutcher, set on February
23 26, 2025, in Las Vegas. Plaintiff's counsel does not oppose this request.

24 Additionally, this extension will allow the parties to address discovery issues and
25 schedule and complete any remaining depositions.

26 The parties' counsel conferred and agreed that a thirty (30) day extension would be
27 proper. The parties agree that neither party will be prejudiced by the proposed extension,
28 and that they may be prejudiced should the current schedule remain in place. The parties

1 agree the extension is sought in good faith.

2 **EXTENSION OF THE DISCOVERY PLAN AND SCHEDULING ORDER**

3 The following table sets forth the current deadlines and the proposed thirty (30) day
4 extension of discovery deadlines that are the subject of this stipulated request:

SCHEDULED EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Discovery Cutoff	February 18, 2025	March 20, 2025
Dispositive Motions	March 24, 2025	April 23, 2025
Proposed Joint Pretrial Order	April 21, 2024	May 21, 2025 ¹

5 This request for an extension of time is not sought for any improper purpose
6 including delay. This is the third request for an extension of discovery deadlines in this
7 matter.

8 Respectfully submitted this 24th day of January 2025.

10 THE702FIRM INJURY ATTORNEYS

11 SUE FAHAM
12 Acting United States Attorney

13 /s/ Joel S. Hengstler

14 MICHAEL C. KANE, ESQ.
15 Nevada Bar No. 10096
16 BRADLEY J. MYERS, ESQ.
17 Nevada Bar No. 8857
18 JOEL S. HENGSTLER, ESQ.
19 Nevada Bar No. 11597
20 8335 W. Flamingo Road
21 Las Vegas, Nevada 89147
22 *Attorneys for Plaintiff*

23 /s/ R. Thomas Colonna

24 R. THOMAS COLONNA
25 Assistant United States Attorney

26 **IT IS SO ORDERED:**

27 **UNITED STATES MAGISTRATE JUDGE**

28 **DATED:** 1-27-25

¹ However, if dispositive motions were to be filed, the deadline for the Proposed Joint Pretrial Order would be deferred until 30 days after the Court rules on the dispositive motions.